

## SITE PLAN COMMITTEE

JUNE 13, 2006

### 1. ROLL CALL

The meeting was called to order at 4:05 p.m. Committee members present were Chair Julie Aitken, Vice-Chair Sam Engel, Jr., (departed at 5:55 p.m.), James Aucamp, Jr., and Bob Breslau. Also present were Councilmember Starkey, Development Services Director Mark Kutney, Assistant Development Services Director/Engineer Larry Peters, Planning and Zoning Manager Bruce Dell, Deputy Planning and Zoning Manager Marcie Nolan, Planner David Abramson, and Secretary Janet Gale recording the meeting. Jeff Evans was absent.

### 2. SITE PLANS

Mr. Breslau made a motion, seconded by Mr. Aucamp, to take item 2.3 first as it was a short item and the applicant had to leave early. In a voice vote, with Mr. Evans being absent, all voted in favor. **(Motion carried 4-0)**

#### *Modification*

2.3 SPM 12-9-05, Lakeside Town Shops (Building I), 5780 South University Drive (UC)

Dennis Mele, representing the petitioner, was present. Mr. Abramson read the planning report.

Using several graphics, Mr. Mele explained the intent of the project. He indicated that building 'I' would match building 'H' in size and materials. Mr. Mele concurred with the planning report except for the comment on page 7 under Engineering, which regarded the reconstruction of SW 76 Avenue. He indicated that he would be working with staff to resolve that issue prior to meeting with the Town Council. Mr. Mele focused on the drive-thru aspect of the plans and spoke of the vehicular signage to be added at that location.

Boardmembers expressed that they were pleased with the building and the site plan. Mr. Breslau advised that he would abstain from voting on this item. Vice-Chair Engel indicated that the only thing he could find wrong was the lack of a stop bar and signage at the drive-thru.

Vice-Chair Engle made a motion, seconded by Mr. Aucamp, to approve with the addition of the stop bar and the stop sign and that the applicant was to meet with staff to resolve the SW 76 Avenue issue. In a roll call vote, the vote was as follows: Chair Aitken – yes; Vice-Chair Engel – yes; Mr. Aucamp – yes; Mr. Breslau – abstained; Mr. Evans – absent. **(Motion carried 3-0)**

2.1 MSP 6-1-05, Wal-Mart – Margolis Site, northwest corner of SW 45 Street and University Drive (Commercial, B-2) **(tabled from May 9, 2006)**

Mr. Dell advised that there had been a question regarding a developer's agreement and that the validity of that agreement had not been determined by the Town Attorney's Office. He stated that until there was an official ruling on that issue, the applicant would be moving forward at their own risk knowing that if the agreement did change, it could affect the way the property was used as well as the zoning.

Chair Aitken advised the Committee of a letter that had been sent by Town Attorney Monroe Kiar in which he advised that he had not reached an opinion and that any recommendation or action taken by the Committee should be contingent upon that opinion.

Mr. Dell confirmed that the Committee could review the site and design; however, it would be at the applicant's risk that if the agreement becomes null and void, they would have to do a complete redesign under today's current zoning.

Chair Aitken asked what would happen if the project moved on to Council with the Committee's recommendation being contingent upon the agreement being valid. Mr. Dell indicated that it would go on to Council and have Council make the decision to wait for an opinion or not. Chair Aitken asked the applicant if she fully understood that she would be proceeding at their own risk pending an opinion on the agreement's validity.

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Susan Motley, representing the petitioner, was present. She responded to Chair Aitken's question indicating she understood, just as the Town proceeded at its own risk in challenging the agreement.

Ms. Motley advised that she was accompanied by consultants, as well as representatives of all the areas of discipline including the architect, who were involved with this project. She went through all of the changes that had been made at the Committee's previous meeting.

The most significant change was apparent in the elevation which depicted a suitable theme for the community and had architectural details on all four sides of the building. Other primary changes were noted as: 1) the incorporation of a covered walkway which extended along the entire eastern side of the building; 2) the berm along Orange Drive was made into an 11-foot high berm with more landscape added; 3) a 14-foot high screen wall was added around the truck well area; 4) in the truck turn-around area, a four-foot high berm with an eight-foot high wall on top of the berm had been added to screen the view from the west; 5) added a storage area that was walled and had a decorative gate that faced internally toward the building in order to store garden supplies; 6) made the berm along University Drive taller going from six-feet in height to nine- to- ten feet in height in order to provide more effective screening; 7) beefed up the landscaping in the southeast corner; and 8) increased the curving at the main entry in order to provide a smoother transition from the entry to the front of the store.

Mr. Abramson indicated that staff had very little time to study the revisions and asked that the plans be reviewed by the Engineering Department before moving forward. Ms. Motley had no problem with that request.

Chair Aitken provided the public an opportunity to address the Committee. She reminded speakers that the Committee dealt only with the aesthetic and architectural details of the site plan.

Greg Sanders, 8343 North Lake Forest Drive, was opposed due to the location of the trucking entrance, proximity of the loading docks; and the light and noise the 24-hour store would introduce into the surrounding neighborhoods.

Don Martin, 8343 North Lake Forest Drive, was opposed because of the minimum required 10-foot buffer along the northern property line. He had requested replacement of a stand of trees which had been surreptitiously removed from the site.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, asked for the exact location in the state of Colorado from which this building was copied.

As there were no other speakers, Chair Aitken moved on with the meeting.

Vice-Chair Engel stated that the entrance off University Drive still needed modification as a vehicle entering faced head-on traffic. He showed Ms. Motley and Mr. Cave his plans to demonstrate what needed to be done to the curb and island. Ms. Motley and Mr. Cave understood his point. Vice-Chair Engel noted that the wall on the west side of the turning circle did not show on the elevations. Mr. Cave explained that the wall was a separate part of the site plan and would not show on the elevations. Vice-Chair Engel advised that the wall on the south side of the trash compactor was shown to be brick on the elevation and fluted block on the C-7 detail. He said the detail needed to be checked and shown as being brick. Mr. Cave indicated that the detail would be changed to brick.

Mr. Breslau asked that the eight-foot screen wall not be plain pre-cast concrete and that it match the building. Mr. Cave agreed that the façade of the wall would match the façade of the buildings. Mr. Breslau asked that the western screen wall be extended as far down [south] to the curb as possible and again Mr. Cave agreed. Mr. Breslau was concerned that fork-lifts moving materials through the garden center would be operating over a sidewalk and in a drive aisle when deliveries were made. As Mr. Cave explained that the location could not be changed, he assured that deliveries were made early in the morning when the only open entrance would be on the opposite side of the building. This issue was discussed at some length with the applicant agreeing to create a loading area within the garden area that would not block a drive aisle.

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Mr. Breslau spoke about a Wal-Mart he had visited in Jacksonville, Florida and noted that it had racks and racks of gardening displayed outside the building. Ms. Motley explained that outside displays were allowed at other locations; however, since it had been requested that it not be done at this store, Wal-Mart was willing to comply despite that it may be permitted in the agreement.

In lengthy discussions, the petitioner agreed that screen walls, retaining walls and berm walls would appear to be composed of brick and stone. They indicated that they would look at the berm and wall design done at Long Lake Ranches located on Nob Hill Road and do something similar with the berms along University Drive and Orange Drive. It was pointed out that in the parking lots where shopping carts were stored, those caddy locations should not have Wal-Mart signage since there were 18 planned caddy locations and all that signage would detract from the building. Mr. Cave agreed to do something different although those locations needed to be spotted even when cars were parked around them. Mr. Breslau clarified that signage was not a part of this review and Ms. Motley concurred that this was not a sign application. He pointed out on his plans where a stop sign, stop bar and arrows were missing. Mr. Breslau commented that in the photometric plan, it appeared that there were certain areas that were over-lighted with 13- and 14-foot candles. He suggested that in consideration of the neighbors in that area, the lighting should be less intense and the applicant agreed to reduce the lighting to a safe yet less obtrusive level.

Mr. Aucamp reviewed the landscape plans with Mr. Sims and made several recommendations to improve the aesthetic impact of the entranceways, berms, and to augment the northern property line. A landscape plan consisting of staggered Oak trees was formulated for the northern property line and the applicants indicated that they would pursue permission to plant in a utility easement parallel to the property line. Also discussed at length was the relocation of trees and how to possibly move them only once. Mr. Aucamp asked that the applicant return with their final landscape plans once they were completed with all the changes. Mr. Sims responded affirmatively and made sure he understood all the landscape requests.

Chair Aitken advised that she had been made aware that there were engineering issues that had not been resolved. She asked Mr. Peters to address those issues.

Mr. Peters addressed the two U-turn issues – the first being at the “failing” intersection of University Drive and Griffin Road, and the second was at the first bridge on Orange Drive just west of the site, both being necessary in order to travel north on University Drive from the site. He explained that the project would also impact SW 76 Avenue and he, therefore, asked for mitigation for improvements to SW 76 Avenue, and for a left-turn lane to the bridge on Orange Drive. Mr. Peters believed that the entire project was unacceptable without a traffic signal at the entrance. He was concerned with the traffic impact to SW 76 Avenue and SW 39 Street and judged that it would be the selected alternate to traveling north on University Drive, especially for those living in the northeast section of Town. Committee members disagreed that it would be impacted because it was already dangerously narrow. At the Committee’s inquiry, Mr. Peters described how SW 76 Avenue could be improved and what the approximate cost would be if rights-of-way were obtained. He explained that the roads were within a two-mile radius of the project and were local roads in which improvements were needed.

Ms. Motley responded that the traffic study which had been done did not support the position Mr. Peters had taken. She was hopeful that with encouragement from the Town, a traffic signal may be obtained for the main entrance. Mr. Breslau explained his experience in trying to obtain a traffic signal for a shopping center along University Drive. Since he did not believe one could be obtained prior to the store opening for business, he asked what the interim plans were. In an effort to have things go smoothly, she advised of the concessions that would be made to alleviate the issues Mr. Peters had mentioned.

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Chair Aitken reminded Ms. Motley of the issue regarding overnight parking of truck trailers, recreational vehicles and campers. Ms. Motley reiterated that she had agreed to work with the Town on acceptable signage to discourage parking of that sort. She also indicated that although the store would be open 24 hours a day, deliveries would not be made from 11:00 p.m. to 7:00 a.m.

There was a discussion regarding the sidewalk along the southern property line. Because another property owner was involved, the applicants agreed to formulate a plan to somehow reroute the sidewalk around the Snyder property and have it join up again along Orange Drive. Details were discussed and it was agreed that the sidewalk would be installed on the west side of the Snyder property in order to make a north-south connection with the Orange Drive sidewalk.

Chair Aitken reiterated that all this was contingent upon the Mr. Kiar's opinion on whether or not the agreement was still valid. She commented that she still believed that the building was facing the wrong way and remained uncomfortable about it. Ms. Motley responded that the reason the building was facing the wrong way was in order to limit the impact to the residential areas and it was not their preference either. Messrs Aucamp and Breslau commented that considering all the effort that had been made along University and Orange Drives, it now appeared to be appropriate.

Mr. Breslau made a motion, seconded by Mr. Aucamp, to approve the site plan subject to Planning and Zoning Division Recommendations, under *Site Plan*, excluding numbers 2, 3, and 4; under *Landscape Plan*, excluding numbers 1, 2, and 3; and all other recommendations were to stay in tact. The following was to be included: 1) that the applicant agreed to modify the entry curve on the southern University Drive entrance including the divider island; 2) the compactor wall needed to be brick clad and all other walls would be of stone and brick materials; 3) the eight-foot screen wall on Orange Drive would match the brick and stucco facades; 4) the western wall was to be extended to the southern curb as far as possible in the truck loading dock area; 5) to clarify that the garden center storage was reflected accurately on plans A0.1; 6) to create a loading area for the garden area that was not in a drive aisle; 7) that the applicant agreed not to have outside garden areas or displays, ever; 8) the retaining walls on University Drive that had been discussed would be of brick and stone facades, with additional decorative sections, or stone columns, or landscaped "hardscape" walls; 9) that cart corrals would not have Wal-Mart signage on them at any location (and be made to look attractive); 10) to add stop bars, stop signs and arrows by the rear loading dock area where they were missing; 11) to adjust light levels in the parking lot and review with Town staff so that there would not be excessive lighting in areas where it was not needed; 12) that on the north side buffer, add Oak trees every 30 feet staggered forward and back on the ten-foot buffer that began on the corner of the property and continued to the conservation area; 13) that the applicant would use best efforts to vacate and/or get permission to plant in the northern utility easement, and if permission was obtained, spread out the landscaping to match the staggering Oak tree plan; 14) to add Cocoplum hedge/ "understory" in the Oak tree area as described in item number 12; 15) to add staggered Oaks on the northeast corner of the landscape buffer (right side of preserve/conservation area); 16) to match entry trees on University Drive entrances and at the corner of Orange and University Drives by adding clusters of Royal Palms and each area were to have clusters of five trees except for the corner of Orange and University Drives, on that corner there was to be a cluster of nine Royal Palms as the corner feature; 17) add retaining walls in the berms with stone facades on University Drive and Orange Drive (applicant agreed to have three on the south end, one between each of the entrances on University Drive, and one on the hardscape corner); 18) with regard to the landscaping, the landscaping plan was to come back before the Committee for a final review; 19) to add decorative lighting on the sidewalks in front of the store along with some bollard lighting in addition to just the wall lighting; 20) with regard to traffic issues, Wal-Mart would continue to diligently pursue a signal light on University Drive throughout the approval process; 21) that Wal-Mart had voluntarily agreed to contribute \$100,000 towards the 76 Avenue improvements; 22) that Wal-Mart had agreed to provide the left-turn lane at the bridge on Orange Drive;

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23) that Wal-Mart had agreed there would be no overnight parking of recreational vehicles or campers on the property and that there would be a deed restriction on the property; 24) that Wal-Mart agreed that there would be no deliveries between 11:00 p.m. and 7:00 a.m.; 25) that Wal-Mart would do a redesign of the sidewalk that ran along University Drive, around the retention area, around the Snyder property and connected to the sidewalk on Orange Drive; and that this approval was subject to the Town Attorney giving a legal opinion that the Development Agreement was still valid. In a roll call vote, the vote was as follows: Chair Aitken – yes; Vice-Chair Engel – absent; Mr. Aucamp – yes; Mr. Breslau – yes; Mr. Evans – absent. **(Motion carried 3-0)**

Chair Aitken declared that she voted in the affirmative so as not to hold up the process. If there had been four members present with three voting affirmatively, she would have voted no.

The Committee recessed at 6:30 p.m. and reconvened at 6:42 p.m.

### 2.2 MSP 7-1-05, The Courtyards at Rolling Hills, generally located at the intersection of Rolling Hills Boulevard and Rolling Hills Circle (PRD-6.3)

Debbie Orshefsky, Tracy Lautenschlager, Howard Jablon, Chris Lockett, Brian Gotfried and Midgley Jones representing the petitioner, were present. Mr. Abramson summarized the planning report.

Chair Aitken and Mr. Breslau were curious about the amount of units being proposed. Mr. Abramson explained the calculations within the “irregular dash line,” that units were being taken from a “surplus in a reserve bank,” and that the applicant had a rezoning request to develop parcels within that dash line. He deferred to the applicant to provide actual numbers.

Ms. Orshefsky provided historical information and used renderings and elevations to clarify the intent of the project. She advised that since some neighbors expected to maintain privileges at the “derelict” hotel’s swimming pool and tennis courts, the applicant incorporated a recreation facility which would be available to the residents of the Villas as well as the Lake Estates. Ms. Orshefsky went through several elevations to indicate the style of architecture on the various phases of the project. She addressed the two conditions that had been referenced in the staff report and indicated that both would be worked through to be part of the development plan.

Chair Aitken opened a public hearing after prefacing that this Committee did not decide if the project belonged at the location and that this was an advisory board to Council and only dealt with site plan issues.

Lisa Hermann, 8264 South Lake Forest Drive, provided copies of 60 letters from neighboring residents who were opposed to the project. She stated her concerns with drainage and water retention, traffic impact and the height of the units. Ms. Hermann felt that the units were not compatible with the existing villas.

Mr. Aucamp advised that the Committee had nothing to do with density. He stated that landscaping, architecture, crosswalks and the layout of the site plan were within the Committee’s purview.

Don Martin, 8343 North Lake Forest Drive, was opposed due to the fact that the project was so dense that canopy trees could not be installed. He maintained that it was not typical to the Town and had no open space, green space and with only ten percent interest in the lake, no water retention.

Ed Balog, 3627 Amelia Island Lane, was opposed because there was no attempt to buffer his single family home from the development.

Lori Balog, 3627 Amelia Island Lane, was opposed because of the premium she paid to have a lake view lot which would now be ruined.

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Gregg Sanders, 8343 North Lake Forest Drive, was opposed because of the design and structure of the townhouses which he found inappropriate for the site. He also spoke of the amenities that were promised and that the homeowners supposedly owned 100% of the lake since they had maintained the lake over the years.

Chair Aitken asked Mr. Sanders about the amenities which had been provided and the ones now proposed. He clarified the differences.

Robert Miller, 3800 East Lake Estates Drive, was opposed and spoke of the promises which had been made and broken.

Ms. Orshefsky clarified that there had been no legal obligation upon the developer of this project to provide amenities to the Lake Estates residents. She responded to the height issues which residents had mentioned and specified that the Code had a 36-foot height limitation which was the same for the single-family homes. Ms. Orshefsky contended that the current proposal was less intense than that in 1997. She responded to other issues brought up by the objectors and moved on to the issues that were within the purview of the Committee.

Mr. Breslau indicated that the Committee was at a disadvantage in not having two members present who were architects; however, he felt capable about commenting on other aspects with which he had some expertise.

Chair Aitken agreed that she would prefer the comfort of the architects. She knew, however, that there needed to be some movement in the buildings instead of the straight-line rows of townhouses. Chair Aitken observed that there were long buildings, especially considering that they were three stories.

Mr. Breslau believed that there could be a better way of laying out the site plan rather than having the buildings lined up one after another in "soldier rows." He felt that there was a lack of transition from the single family to the three-story buildings. The straight roof line was also objectionable as well as the 20-foot courtyards which accommodated the air conditioning units. Mr. Breslau commented that the landscape buffering was inadequate and later clarified how it could be improved.

Chair Aitken agreed that the site plan resembled army barracks instead of urban groupings. Although it was pedestrian friendly, there were no destination points other than the one pool and tennis court at the southern corner. She explained that there should be some communal areas for people to go and use.

Ms. Orshefsky justified the placement of the amenities as central to the Estates as well as the Courtyards in order to service the entire neighborhood.

A discussion ensued among Mr. Aucamp and the landscape architects for the developer regarding the buffering of the south property line and the relocation of Live Oak trees. Mr. Aucamp determined that with the present configuration, there was nothing more that could be done to buffer the south property line with landscape materials.

Mr. Breslau expressed that he would like to table this item in order to have the opportunity for comments from Messrs. Engel and Evans. There was a brief discussion with the applicant as to the next meeting date and whether or not they understood the direction of the Committee.

Mr. Breslau made a motion, seconded by Mr. Aucamp, to table to June 27, 2006. In a voice vote, with Vice-Chair Engel and Mr. Evans being absent, all voted in favor. **(Motion carried 3-0)**

### 3. OLD BUSINESS

There was no old business discussed.

### 4. NEW BUSINESS

There was no new business discussed.

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**5. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**6. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 8:13 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair/Committee Member